

CITY MANAGER/ATTORNEY RESOLUTION NO. 112

**APPROVING AN AMENDMENT TO THE
PENINSULA COMMUNITY PLANNING BOARD BYLAWS**

WHEREAS, it is the policy of the Council of the City of San Diego to require each community planning committee, as a condition of official recognition by the City of San Diego, to write and submit bylaws to the City Manager and City Attorney; and

WHEREAS, the Peninsula Community Planning Board has submitted amended bylaws (attached) to the City Manager and City Attorney that adds as a requirement that to be eligible to run for the Board, persons must attend one (1) of the last six Board Meetings prior to the March election meeting; and

WHEREAS, the Peninsula Community Planning Board, on January 20, 2000 approved an amendment to their bylaws; and

WHEREAS, the amended bylaws meet the requirements of Council Policy No. 600-24; and

WHEREAS, it is the policy of the Council of the City of San Diego to authorize the City Manager and City Attorney to approve amendments to bylaws that are in conformance with Council Policy 600-24; **NOW THEREFORE**,

BE IT RESOLVED, by the City Manager and City Attorney of the City of San Diego, that the revisions to the bylaws of the Peninsula Community Planning Board, dated January 20, 2000, are hereby approved.

APPROVED: CASEY GWINN, CITY ATTORNEY
 MICHAEL T. UBERUAGA, CITY MANAGER

By: Betsy McCullough
Betsy McCullough
Deputy Director, Long Range Planning

Date: 1/24/00

By: Richard A. Duvernay
Richard A. Duvernay
Deputy City Attorney

Date: 1-27-00

FAKED TO FRED
12/1/00

PENINSULA COMMUNITY PLANNING BOARD
BY-LAWS

ARTICLE I NAME

- Section 1. The name of this organization is *Peninsula Community Planning Board* (Referred to hereinafter as the PCPB, or Board).
- Section 2. All Board activities shall be conducted in its official name.
- Section 3. The Peninsula Community Planning Board community planning area boundaries are shown as Exhibit "A", attached. The Peninsula Community Planning Board community planning area will be referred to as the Peninsula Community.
- Section 4. The official positions and opinions of the Board shall not be established or determined by any other organization than the Board.

ARTICLE II PURPOSE OF THE PENINSULA COMMUNITY PLANNING BOARD AND GENERAL PROVISIONS

- Section 1. The primary purpose of the PCPB shall be to advise the City Council, Planning Commission and other governmental agencies as may be appropriate in the initial preparation, adoption of, implementation of or amendment to the Peninsula Community Plan and Local Coastal Program as it pertains to the area or areas of concern to the PCPB (hereafter referred to as the planning process).

Individual development projects shall be reviewed as provided by Council Policy 600-24, Article II, Section 1 which provides that such review should: 1) focus on conformity with the adopted community plan and/or the general plan; and 2) be completed, and associated written input submitted to the City during the public review period offered by the environmental review process (substantive changes in projects subsequent to completion of the environmental review process will sanction further evaluation by this Board). This will provide staff and the project proponent the opportunity to respond to the issues raised and potentially resolve possible conflicts before the project is noticed for discretionary action.

- Section 2. Insofar as the efforts of the PCPB are engaged in the diligent pursuit of the above purpose, professional planning staff assistance, if any, shall be provided from the Planning Department, and/or as appropriate by staff under the direction of the City Manager.
- Section 3. In addition to the ongoing review processes for projects proposed within the community, the Board shall be responsible for the development of positions and guidance

for long-term community evolution ensuring a continued high quality environment for all members of the Peninsula Community.

Section 4. All Board activities shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, creed or national origin, sexual orientation, or physical handicap, nor shall the Board take part, officially or unofficially, or lend its influence in, the election of any candidate for political office.

Section 5. Pursuant to the provisions of City Council Policy 600-05, failure of the PCPB to diligently pursue the initial preparation, adoption, implementation or amendments to the planning process shall result in the forfeiture of its rights to represent the Peninsula Community for these purposes.

Such a determination resulting in the forfeiture of PCPB rights to represent the Peninsula Community for these purposes shall be made only by the City Council upon the recommendation of the Planning Department.

ARTICLE III PCPB ORGANIZATION AND ADMINISTRATION

Section 1. The PCPB shall consist of 15 members.

The PCPB shall consist of the members as of the date of recognition by the City Council, and of such additional members as shall thereafter be elected by eligible Peninsula Community members in the manner prescribed by the operating procedures of these by-laws.

Section 2. Board members shall be elected by, and from, eligible members of the Peninsula Community. An eligible member is defined as being:

- 1) At least 18 years of age, and,
- 2) A Peninsula Community property owner, or,
- 3) A Peninsula Community resident, or,
- 4) A local business person with a business address in the Peninsula Community, at which, employees or operators of the business are located.

The members of the Board shall to the extent possible, be representative of the various geographic sections of the Peninsula Community and diversified community interests.

Section 3. Except for the purpose of the selection of initial Board members, members of the PCPB shall be elected to serve for fixed terms of three years with expiration dates during alternate years to provide continuity.

No person may serve on the PCPB for more than nine consecutive years, commencing from 1976, the original date of adoption of Council Policy 600-24. After a one year break in service with the Board, an individual who has served for nine consecutive years shall again be eligible for re-election.

Exceptions:

1) Any member who has served in excess of nine consecutive years upon adoption of the 1989 amendment to council policy 600-24 may continue in that position until the next PCPB election; and

2) A Board member may serve in excess of the nine year maximum (as specified above in this Section) if that person is re-elected to a new term provided that they receive a two-thirds majority of the votes cast by eligible members of the Peninsula Community participating in a regular election.

The number of individuals on the PCPB having served more than nine consecutive years shall in no case exceed twenty-five percent of the Board membership.

No individual may serve as an officer of the PCPB for more than nine consecutive years as specified below in Article VII, Section 1.

Section 4.

No member of the PCPB shall be personally or otherwise liable for any of the debts, liabilities and/or obligations of the Board.

ARTICLE IV

VACANCIES

Section 1.

The Board shall find a vacancy exists upon receipt of a resignation in writing from one of the members, or the member is no longer qualified per Article III, Section 2, or upon receipt of a written report from the Secretary reporting the second consecutive unexcused absence of a member(s) from regular meetings as established under Article VI, Section 2, below.

An excused absence is defined as one where a member is unable to be present at a regular meeting due to illness, either personal, or that of a family member which prevents attendance, business responsibilities, or scheduled vacation. However, it is incumbent upon the affected member to notify the Chairperson or another Board officer of the pending absence at least 24 hours prior to the meeting at which attendance was required, and the reasons for the absence. Rapid onset of illness or accidental injury shall constitute excusable absence in lieu of the 24 hour notification requirement.

Failing these requirements, any other absence shall be

determined as an unexcused absence for the purposes of maintaining attendance records relative to the declaration of a vacancy.

Section 2.

Vacancies that occur on the PCPB shall be filled by the Board not later than 120 days following the date of the determination of the vacancy. The vacancy shall be filled in accordance with the following policy:

Public notice of the vacancy shall be made known via a Peninsula community newspaper and to the Board at the next regularly scheduled meeting.

At the next subsequent meeting, all qualified candidates will be presented to the Board and a replacement will be elected.

The term of office of any member filling a vacancy shall be for the balance of the vacated term.

Section 3.

When the Board is unable to fill a vacancy within the 120 days, as specified above, and the Board has more than 12 members, the Board shall either amend these by-laws to permit decreased membership to a minimum of 12 members, or report in writing to the City Council the actions taken in filling vacancies and request assistance from the Council.

ARTICLE V

ELECTIONS

Section 1.

Elections of the PCPB shall be held annually during a regularly scheduled meeting in March.

The Chairperson (as established and defined below in Article VII, Section 2) of the PCPB shall appoint a Nominating Committee no later than the January meeting of each year. The Nominating Committee shall consist of 5 Board members, including the First Vice Chairperson who shall chair the Nominating Committee. The Committee shall be approved by vote of the Board.

Five (5) members shall be elected each year for a term of 3 years to the Board and shall serve from April 1 of the month following the election, to March 31 of the third year of their election.

Section 2.

It shall be the duty of the Planning Department to annually purchase two advertisements for publication in a newspaper of broad City-wide distribution. The advertisements will describe the general function of the community planning Board, and will list the names of individual groups, their meeting times and locations, the date of the next election, and a Planning Department contact for the Peninsula Community.

It shall be the duty of the PCPB to make a good faith effort to contact a Peninsula Community newspaper and utilize other

means appropriate to the community to advertise the elections.

Section 3. Voting shall be by secret written ballot. At a minimum, ballots shall be available at the noticed PCPB meeting at which the election will be held. The written ballot will contain the names of all eligible candidates with space for write-ins.

Section 4. Election Policies

a) Candidacy: A candidate for membership shall, prior to the elections, provide proof of eligibility for membership to the Board Secretary. Proof of eligibility consists of meeting criteria set forth above in Article III, Section 2.

b) Voter Eligibility: All prospective voters shall sign the voter log which requires name, residence or business address and phone number. A sample voter's log is attached as Exhibit "B". This log shall be kept by the First Vice-Chairperson as a permanent record of the election proceedings.

c) A valid driver's license, business license or other proof may be checked by a Board member to determine voter qualification as per Article III, Section 2.

d) Method Of Cross-checking Voter Eligibility At Time Of Election: Proof of voter eligibility for each person applying to vote shall be determined and confirmed by a current Boardmember prior to ballot casting.

Section 5. Election Meetings

In accordance with Council Policy 600-24, the Board shall hold an election for the purpose of electing members to the Board. At the discretion of the Chairperson, elections may be scheduled concurrently with a regularly scheduled Board meeting for the month of March.

a) At the election meeting there shall be elected 5 members to the Board for a term of three years. The new Board will then elect its officers.

b) The PCPB shall publish public notice in a local newspaper announcing the election. The notice shall include the date, time and place of the election.

c) The Chairperson shall also ensure that notice of the election is mailed at least 5 days in advance of the election meeting to each member of the Board. The notice shall contain:

- 1] The date, time and place of the meeting.
- 2] The number of members to be elected and the term of each office to be filled.

- 3] The slate of candidates recommended and to be presented by the Nominating Committee as well as all other eligible candidates.
- 4] The names of Members whose terms are not expiring.

d) At the meeting the First Vice Chairperson shall conduct the election. He/She shall read the information on the ballot, take additional nominations, and be in charge of counting ballots.

e) Each qualified elector may cast one vote for each office to be filled but may not vote more than once for each candidate.

f) Any member receiving a simple majority shall be elected. If less than 5 members receive a majority vote, a subsequent vote(s) will then be made with the remaining candidates until all 5 Board vacancies are filled.

ARTICLE VI

PCPB DUTIES

Section 1.

It shall be the duty of the Board to cooperatively work with the Planning Department and as appropriate, the City Manager, throughout the planning process. This includes, but is not limited to, the formulation of long-range goals, objectives and proposals or the revision thereto for inclusion in the Peninsula Community Plan.

Section 2.

It shall be the duty of each Board member to attend all Board meetings. When an active plan update is underway, regular meetings shall be periodically held by the Board to meet with the Planning Department at a mutually agreed upon time and location.

Section 3.

Procedures For Conducting Business meetings and Noticing Regular Meetings

On the third Thursday of each month, at 7 PM, a "Regular" Board meeting shall be held. An agenda shall be prepared in advance and sent to the Board. A copy of the previous meeting minutes shall be contained as an attachment to the agenda.

All meetings of the Board and its committees shall be open to the public and shall be conducted in accordance with Robert's Rules of Order except as otherwise provided in Council Policy 600-24 and/or in these Board by-laws.

In order to conduct business and/or to vote on projects or actions at regular Board meetings, a quorum, defined as a majority of the non-vacant seats of the Board, must be present. A report of attendance and a copy of Board approved minutes which include the votes taken on each matter acted upon for each meeting shall be available for public distribution and shall be distributed to the Planning Department within 14 days after approval by the Board. PCPB

resolutions on specific projects should indicate whether or not a quorum was present, whether or not the applicant appeared before the Board, and when and what type of notification the applicant received requesting his/her appearance at the PCPB meeting.

Voting: A simple majority shall prevail. Voting for officers shall be by ballot or by a show of hands as per Article VII, Section 1. The Chairperson has no vote except to break a tie. The Chairperson does vote at elections for Board members and officers.

Public Notice: Either the Chairperson or an officer tasked by the Chairperson shall provide public notice of a regular meeting by publication in a Peninsula Community Newspaper. In the case of regular meetings, inasmuch as they are predictably scheduled, a semi-annual publication shall suffice to make the public aware of the meetings. The notice shall contain the day (Third Thursday), time and location of the meeting.

Section 4.

Special Meetings: The Board may hold meetings other than regular meetings in accordance with the following policy:

Special meetings of the Board may be called by the Chairperson on the request of any 5 members or may be called on his/her own initiative and may be held at a time and place within the Peninsula Community that the public may attend. A quorum, for the purposes of decision-making at special meetings, shall also consist of a simple majority of the non-vacant seats of the Board.

For any special meeting called by the Board or the Chairperson, adequate public notice shall be given to ensure widespread Peninsula Community notification, participation in, and support for any resolutions, decisions or positions reached during the meeting. Notification may be satisfied by publication, in a local Peninsula Community newspaper, of the date, time, place of the meeting.

Executive Sessions of the Board shall be prohibited. All Board and/or committee meetings shall be open to the public and conducted in accordance with Robert's Rules of Order except as otherwise provided for in Council Policy 600-24 and/or these Board by-laws.

Section 5.

It shall be the duty of the Board to periodically seek community-wide understanding of and participation in the planning and implementation process as specified above in Article II, Section 1. The Board shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long-range interest of the community at large. It shall also be the duty of the Board, when reviewing development projects, to allow participation of affected property owners, residents and business establishments within proximity to the proposed /

development. The Board shall inform the project applicant or representative each time that such review will take place and provide the applicant with an opportunity to offer input on projects during Board meetings. Any member of the public may also offer input on projects during the meeting.

Procedure For Ensuring That All Board Meeting Agendas Are Open To Input From All Community Members

During any Board meeting there shall be a call for agenda additions and/or an opportunity for public input. Any person who desires to express an opinion or present new business shall be provided at least 5 minutes of presentation time during each meeting held by the Board.

Procedure For Ensuring Opportunity For Public Testimony And Fair and Reasonable Debate

A public comment period shall be provided during every Board meeting. If differences of opinion emerge regarding any issue considered by the Board at any Board meeting, regular or otherwise, the Chairperson shall open the meeting to debate by the public, or by members of the Board. The time and resources allocated to the discussions shall be determined on a case-by-case basis by the Chairperson in consultation with the members of the Board. If necessary, a continuation determination will be made by the Chairperson and the matter pursued further at the next regularly scheduled meeting or a special meeting dedicated exclusively to the unresolvable issue.

- Section 6. It shall be the duty of the Board to maintain a current up-to-date roster of the names of the Board members to be kept on file in the offices of the City Clerk and the Planning Department and to submit to the offices of the City Clerk and the Planning Department by February 15 of each year an annual report of accomplishments for the past calendar year and anticipated objectives for the coming year related to Article II, Section 1, above.
- Section 7. Financial contributions from the citizens of the Peninsula Community may be sought for the purposes of furthering the efforts of the Board and to promote understanding of, and participation in, the planning process. No membership dues shall be required.
- Section 8. It shall be the duty of each Board member to attend an orientation training session administered by the Planning Department. (It shall be the duty of the Planning Department to offer at least two orientation and two advanced training courses each year (as stated in Council Policy 600-24).)
- Section 9. It shall be the duty of each Board member to abstain from voting on privately initiated projects in which they have a direct financial interest.

ARTICLE VII

PCPB OFFICERS

- Section 1. The officers of the Board shall be elected from, and by the members of the Board. Said officers shall consist of a Chairperson, First Vice-Chairperson, Second Vice-Chairperson, Secretary and Treasurer. Elections for officers will follow the general election meeting in March. No person may serve as an officer for more than nine consecutive years. After a period of one year in which that person did not serve as an officer, that person shall again be eligible to serve as an officer. A recommended slate of officers will be presented by the nominating committee. The Chairperson shall appoint an Election Nominating Committee in accordance with the procedures established above in Article V, Section 1. Officers will be elected by secret ballot or by a show of hands. The Board of Directors will determine which voting method is appropriate.
- Section 2. Chairperson. The chairperson shall be the principal officer of the PCPB and shall preside at Board meetings and at community wide meetings. The Chair shall appoint such committees as authorized by the members of the Board and shall be an ex-officio member of all committees.
- The Chairperson shall be the Board's representative to the Community Planners Committee (CPC). However, by specific action some other member may be selected as the official representative to CPC with the same voting rights and privileges as the Chairperson.
- The Chairperson shall ensure that the Board conforms to Article VI, Section 6.
- Section 3. Vice Chairpersons. The vice chairpersons shall, in order of their seniority, in the absence of the Chairperson, perform all the duties and responsibilities of the Chairperson. They shall also perform such other duties as may be assigned to them by the members of the Board. The First Vice-Chairperson shall be the head of the nominating committee as per Article V, Section 1.
- Section 4. Secretary. The Secretary shall:
- 1) Record and maintain minutes of all of the transactions, resolutions, positions, recommendations or actions which take place during, or result from regular or special Board meetings pursuant to Article VI, Section 2, above.
 - 2) Keep a record of attendance of all Board meetings.
 - 3) Send the report of attendance and a copy of the Board approved minutes to the Planning Department within 14 days upon approval by the Board and make such minutes available for distribution to members of the Board and the public. Maintain a current roster of PCPB members and officers and

file a copy of the membership roster with the City Clerk and the Planning Department of the City of San Diego.

- 4) Notify the Chairperson and any member, in writing, when he or she is absent for two consecutive meetings without excuse. The Secretary shall also report in writing the action taken to fill the created vacancy(ies).
- 5) Serve all notices of the PCPB
- 6) Keep the Minute Book
- 7) Prepare or provide initial approval of all correspondence generated by the Board or its Subcommittees.
- 8) Perform such other duties as may be required by the Chairperson or other Members

Section 5.

Treasurer. The Treasurer shall keep a full set of books of accounts showing every detail of the business and the Board's accounts, and all receipts, and disbursements of every name and nature, amount of cash on hand, and amount of accounts payable and accounts receivable, and such other information that may be pertinent to the affairs of PCPB. The treasurer shall disburse any of such money or incur indebtedness only on the order of the Members. The treasurer shall render an accounting to the Members of all monies received or disbursed whenever so requested. The Treasurer may pay small Board expenses less than \$30.00 without requesting permission beforehand, but must report on such action at the next regularly scheduled Board meeting.

The Treasurer, in cooperation with the Chairperson, shall prepare a budget for the coming year for Board approval at the February meeting showing anticipated income and expenses.

Article VIII

COMMITTEES

Section 1.

General: The members of the Board may designate and appoint such committees on any subject within the powers of the PCPB. Such committees shall exercise such duties, or perform such services as may be prescribed by the members of the Board. Each committee shall keep regular minutes of its proceedings and report those minutes to the members of the Board when required.

From time-to-time, the Board may find a need to appoint non-board members to committees. Non-Board members may serve on any committee as a member. However, they must be approved by the Board.

ARTICLE IX

AMENDMENT PROPOSALS AND RATIFICATION PROCEDURES

Section 1.

These by-laws follow the format of the standard operating procedures and responsibilities and are believed to be in

conformance with the criteria contained in City Council Policy 600-24, dated May 1989. Upon approval by the Peninsula Community Planning Board members, they will be submitted to the Planning Director and City Attorney for approval.

Subsequent amendments or proposals for amendment will require resubmittal for approval to the City Planning Director and City Attorney and will not take effect until such approval is given in writing.

Issues which become contentious between the PCPB and the City Attorney or City Planning Director shall be taken to the Rules Committee of the Council.

- Section 2. The members of the Board, by an affirmative vote of the quorum, may at any meeting, propose amendments to these by-laws, provided that the substance of the proposed amendment shall have been stated in the notice of the meeting. However, as stated above, any such proposed amendments shall not be effective until approval is given by the City Planning Director and the City Attorney.
- Section 3. Except with respect to altering the basic requirements of these by-laws, the Board may establish such additional policies as it deems desirable. In order to establish and adopt any policy outside of these by-laws, however, a quorum must be present, and a majority of that quorum must vote affirmatively for adoption of that policy.
- Section 4. Any additional policies established in accordance with the above Articles and Sections must be presented to the Subcommittee on Rules, Legislation and Intergovernmental Relations of the City Council through the Planning Department.

ARTICLE X

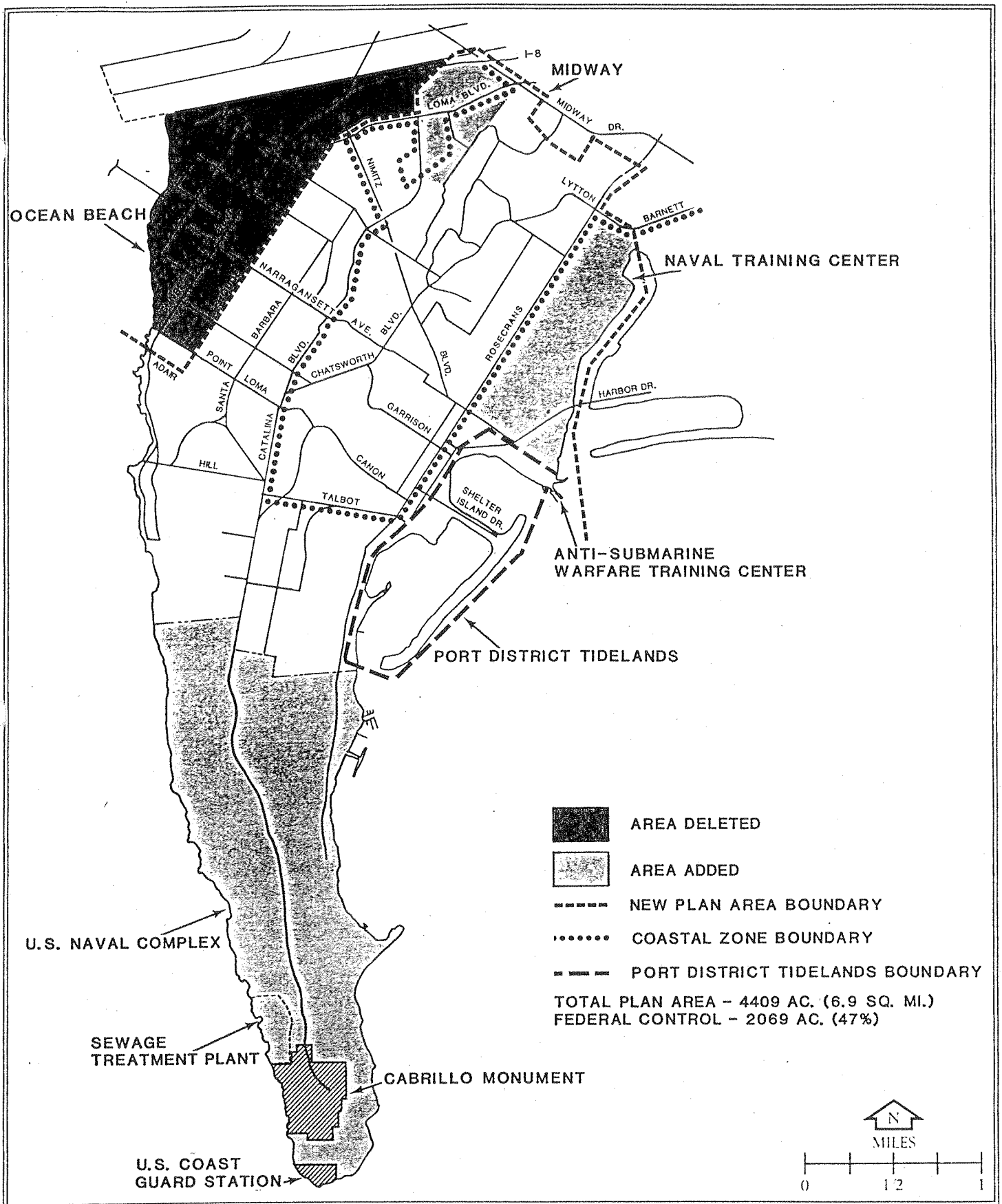
RULES

The PCPB shall be subject to all procedures and conditions contained in Council Policy 600-24 and of these "By-Laws". Rules not covered in these by-laws shall be set or adopted in accordance with Robert's Rules of Order, Revised 1967.

ARTICLE XI

DISSOLUTION

Upon dissolution of the Peninsula Community Planning Board by the Members, and after payment of all debts, all remaining assets shall be distributed to another non-profit organization in the Peninsula Community having similar interests, objectives, or interests of the Peninsula Community, as selected by the Members of the Board.



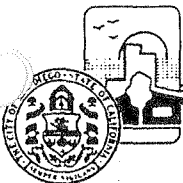
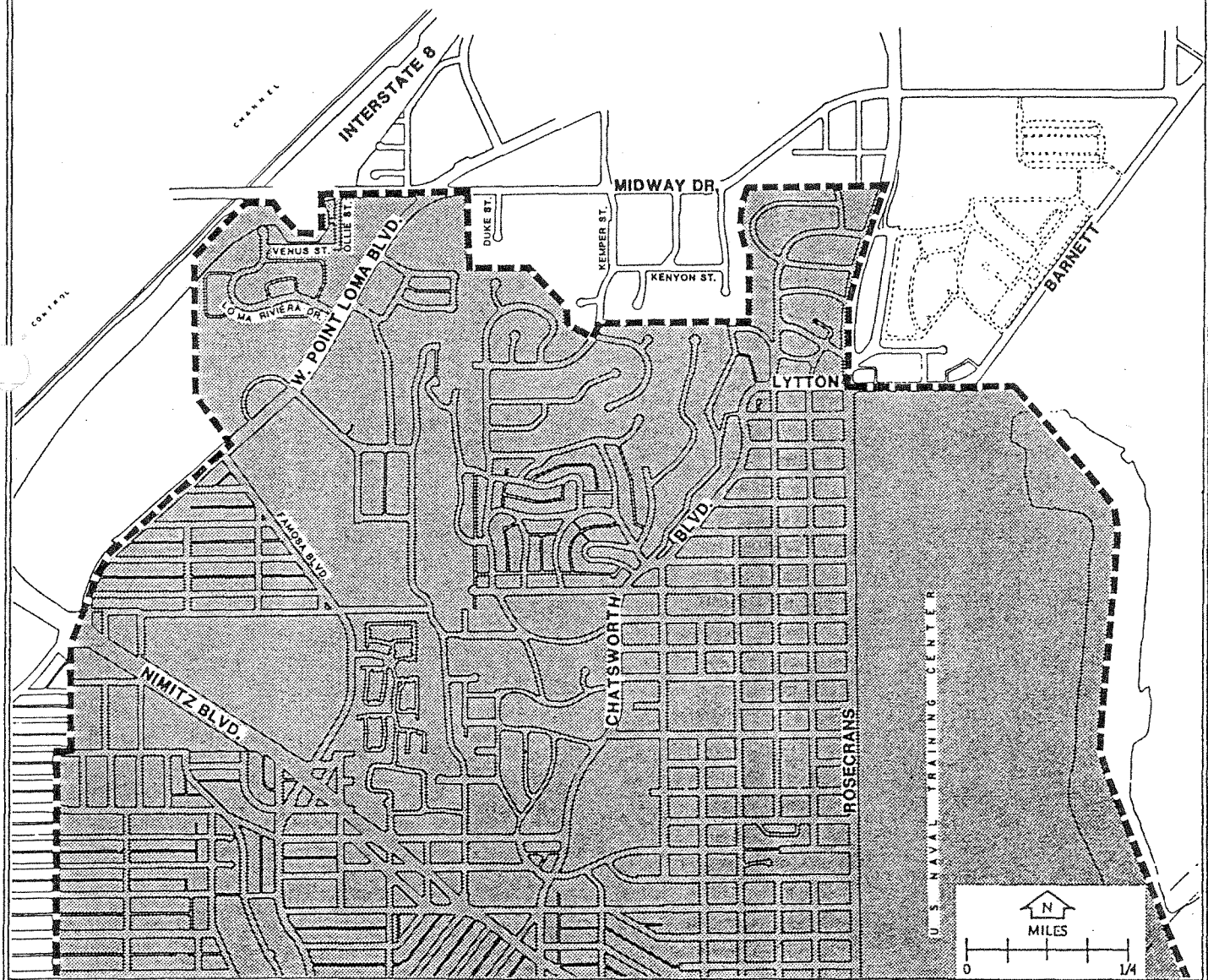
REVISED PLAN AREA BOUNDARIES

Peninsula Community
 City of San Diego Planning Department

EXHIBIT "A"
 Page 1

FIGURE
 2

The Peninsula Community boundary is not correctly shown on all of the graphics in this plan. The correct boundary is shown below, as the dashed line in bold print. This boundary supersedes the boundaries outlined on figures 5, 7-10, 13, 25A, 37A, 38 and 39. The official community plan map is on file in the City Planning Department offices. The Midway Community Plan should be consulted to determine land use designations in the area north of the Peninsula community planning area boundary.



CORRECT PLAN AREA BOUNDARIES

Peninsula Community
City of San Diego Planning Department

EXHIBIT "A"
Page 2

DATE OF RESOLUTION: December 15, 1989

approved.

APPROVED: JOHN W. WITT, City Attorney

ROBERT P. SPAULDING, Planning Director

BY Frederick C. Conrad

Frederick C. Conrad

Chief Deputy City Attorney

BY Mary Lee Balko 12/19/89

Mary Lee Balko

Deputy Planning Director

Date / /

PHONE NUMBER

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

DATE OF RESOLUTION: December 15, 1989

PLANNING DIRECTOR/CITY ATTORNEY RESOLUTION NO. 001

APPROVING THE PENINSULA COMMUNITY PLANNING BOARD BYLAWS

WHEREAS, it is the policy of the Council of the City of San Diego to require each community planning committee, as a condition of official recognition by the City of San Diego, to write and submit bylaws to the Planning Director and City Attorney;

WHEREAS, the 1989 amendment to Council Policy 600-24 requires community planning committees to amend their bylaws to standardize operating procedures and elections;

WHEREAS, the PENINSULA COMMUNITY PLANNING BOARD has submitted bylaws dated October 19, 1989 (Attachment 1), to the Planning Director and the City Attorney that meet the requirements of Council Policy 600-24;

WHEREAS, it is the policy of the Council of the City of San Diego to authorize the Planning Director and the City Attorney to approved amendments to bylaws that are in conformance with Council Policy 600-24; NOW, THEREFORE,

BE IT RESOLVED, by the Planning Director and City Attorney of the City of San Diego, that on December 15, 1989, the revisions to the bylaws of the PENINSULA COMMUNITY PLANNING BOARD are hereby

DATE OF RESOLUTION: December 15, 1989

approved.

APPROVED: JOHN W. WITT, City Attorney

ROBERT P. SPAULDING, Planning Director

By Frederick C. Conrad

Frederick C. Conrad

Chief Deputy City Attorney

By Mary Lee Balko 12/19/89

Mary Lee Balko

Deputy Planning Director